



# House of Representatives

General Assembly

**File No. 720**

January Session, 2013

House Bill No. 5666

*House of Representatives, May 6, 2013*

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

**AN ACT CONCERNING THE FORFEITURE OF MONEYS AND  
PROPERTY RELATED TO SEXUAL EXPLOITATION AND HUMAN  
TRAFFICKING.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 54-36p of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2013*):

4 (a) The following property shall be subject to forfeiture to the state  
5 pursuant to subsection (b) of this section:

6 (1) All moneys used, or intended for use, in a violation of  
7 subdivision (3) of subsection (a) of section 53-21 or section 53a-82, 53a-  
8 86, 53a-87, 53a-88, 53a-90a, 53a-189a, 53a-189b, 53a-192a, 53a-196a, 53a-  
9 196b or 53a-196c;

10 (2) All property constituting the proceeds obtained, directly or  
11 indirectly, from a violation of subdivision (3) of subsection (a) of  
12 section 53-21 or section 53a-82, 53a-86, 53a-87, 53a-88, 53a-90a, 53a-



13 189a, 53a-189b, 53a-192a, 53a-196a, 53a-196b or 53a-196c;

14 (3) All property derived from the proceeds obtained, directly or  
15 indirectly, from any sale or exchange for pecuniary gain from a  
16 violation of subdivision (3) of subsection (a) of section 53-21 or section  
17 53a-82, 53a-86, 53a-87, 53a-88, 53a-90a, 53a-189a, 53a-189b, 53a-192a,  
18 53a-196a, 53a-196b or 53a-196c;

19 (4) All property used or intended for use, in any manner or part, to  
20 commit or facilitate the commission of a violation for pecuniary gain of  
21 subdivision (3) of subsection (a) of section 53-21 or section 53a-82, 53a-  
22 86, 53a-87, 53a-88, 53a-90a, 53a-189a, 53a-189b, 53a-192a, 53a-196a, 53a-  
23 196b or 53a-196c.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	October 1, 2013	54-36p(a)
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**JUD**      *Joint Favorable*



The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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### **OFA Fiscal Note**

#### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 14 \$</b>	<b>FY 15 \$</b>
Criminal Justice Agencies	GF - Potential Revenue Gain	\$100-\$400/case	\$100-\$400/case

**Municipal Impact:** None

#### **Explanation**

The bill adds funds and property seized for specific prostitution related crimes to the types of property subject to forfeiture. The value of the property and funds seized vary greatly by each case but it is anticipated that each case would result in a total seizure of \$100-\$400. In FY 12, there were a total of 317 offenses of these crimes and 148 cases received a plea bargain. This bill would allow some (or all) of the funds and property seized in conjunction with these violations to be subject to forfeiture and deposited into the General Fund.

#### **The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

*Sources: Judicial Department Offenses and Revenue Database*



**OLR Bill Analysis****HB 5666*****AN ACT CONCERNING THE FORFEITURE OF MONEYS AND PROPERTY RELATED TO SEXUAL EXPLOITATION AND HUMAN TRAFFICKING.*****SUMMARY:**

This bill adds funds and property related to prostitution and 3<sup>rd</sup> degree promoting prostitution to the types of property subject to forfeiture as tainted funds and property related to sexual exploitation and human trafficking. Under existing law, the crimes that trigger these procedures are:

1. the portion of the risk of injury to a minor statute involving sale of a child younger than age 16;
2. 1<sup>st</sup> or 2<sup>nd</sup> degree promoting prostitution;
3. enticing a minor using an interactive computer;
4. voyeurism, disseminating voyeuristic material, and employing or promoting a minor in an obscene performance;
5. human trafficking; and
6. importing child pornography.

By law, funds and property related to these crimes are subject to forfeiture if they are:

1. money used or intended for use in one of these crimes;
2. property constituting the proceeds obtained, directly or indirectly, from one of these crimes;



3. property derived from the proceeds obtained, directly or indirectly, from any sale or exchange for pecuniary gain from these criminal violations; and
4. property used or intended for use to commit or facilitate commission of one of these crimes for pecuniary gain.

EFFECTIVE DATE: October 1, 2013

## **BACKGROUND**

### ***Prostitution***

A person age 16 or older commits this crime when he or she engages, or agrees or offers to engage in, sexual conduct with someone for a fee. Prostitution is a class A misdemeanor punishable by up to one year in prison, a fine of up to \$2,000, or both.

### ***3<sup>rd</sup> Degree Promoting Prostitution***

A person commits this crime when he or she knowingly advances or profits from prostitution. This crime is a class D felony punishable by up to five years in prison, a fine of up to \$5,000, or both.

### ***Related Bills***

sSB 871, reported favorably by the Judiciary Committee, expands the types of property that can be seized and forfeited related to sexual exploitation and human trafficking crimes by eliminating a requirement that certain conduct related to the property be committed for pecuniary gain.

sSB 1158, reported favorably by the Judiciary Committee, (1) adds commercial exploitation of a minor as a crime that can be a basis for forfeiting property related to sexual exploitation and human trafficking crimes and (2) requires depositing any proceeds left after publicly auctioning forfeited property and paying required costs in the Criminal Injuries Compensation Fund, rather than the General Fund.

## **COMMITTEE ACTION**

Judiciary Committee



Joint Favorable

Yea     44     Nay   0     (04/19/2013)